

SENATE BILL 3981
By Kilby

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 17, Part 9, relative to certain harmful
materials.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The general assembly hereby finds that:

(1) Exposing persons to depictions of violence in video games, including sexual and heinous violence, makes those persons more likely to experience feelings of aggression, to experience a reduction of activity in the frontal lobes of the brain, and to exhibit violent antisocial or aggressive behavior;

(2) Even persons who do not commit acts of violence suffer psychological harm from prolonged exposure to violent video games; and

(3) The state has a compelling interest in preventing violent, aggressive, and antisocial behavior, and in preventing psychological or neurological harm to persons who play violent video games.

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 17, Part 9, is amended by adding the following as a new section thereto:

Section 39-17-920.

(a) For purposes of this section, unless the context otherwise requires:

(1) "Authority figure" means a law enforcement officer, a school teacher or school administrator, or other such person;

(2) "Person" means any natural person, partnership, firm, association, corporation, limited liability company, or other legal entity; and

(3) "Video game" means any electronic amusement device that utilizes a computer, microprocessor, or similar electronic circuitry and its own monitor, or is designed to be used with a television set or a computer monitor, that interacts with the user of the device.

(4)

(A) "Extremely violent video game" means a video game in which the range of options available to a player includes killing, maiming, dismembering, or sexually assaulting an image of a human being, if those acts are depicted in the game in a manner that does either of the following:

(i) Comes within all of the following descriptions:

(a) A reasonable person, considering the game as a whole, would find appeals to a deviant or morbid interest of persons;

(b) It is patently offensive to prevailing standards in the community as to what is suitable for persons; and

(c) It causes the game, as a whole, to lack serious literary, artistic, political, or scientific value for persons.

(ii) Enables the player to virtually inflict serious injury upon images of human beings, especially authority figures, in a manner which is especially heinous, cruel, or depraved in that it involves torture or serious physical abuse to the victim.

(B) For purposes of this subdivision, the following definitions apply:

(i) "Cruel" means that the player intends to virtually inflict a high degree of pain by torture or serious physical abuse of the victim in addition to killing the victim.

(ii) "Depraved" means that the player relishes the virtual killing or shows indifference to the suffering of the victim, as evidenced by torture or serious physical abuse of the victim.

(iii) "Heinous" means shockingly atrocious. For the killing depicted in a video game to be heinous, it must involve additional acts of torture or serious physical abuse of the victim as set apart from other killings.

(iv) "Serious physical abuse" means a significant or considerable amount of injury or damage to the victim's body which involves a substantial risk of death, unconsciousness, extreme physical pain, substantial disfigurement, or substantial impairment of the function of a bodily member, organ, or mental faculty. Serious physical abuse, unlike torture, does not require that the victim be conscious of the abuse at the time it is inflicted. However, the player must specifically intend the abuse apart from the killing.

(v) "Torture" includes mental as well as physical abuse of the victim. In either case, the virtual victim must be conscious of the abuse at the time it is inflicted; and the player must specifically intend to virtually inflict severe mental or physical pain or suffering upon the victim, apart from killing the victim.

(C) Pertinent factors in determining whether a killing depicted in a video game is especially heinous, cruel, or depraved include infliction of gratuitous violence upon the victim beyond that necessary to commit the killing, needless mutilation of the victim's body, and helplessness of the victim.

(b) A person may not sell or rent a video game that is an extremely violent video game.

(c) A violation of this act is a Class C misdemeanor.

SECTION 3. Tennessee Code Annotated, Section 39-17-919(a), is amended by deleting the language "§39-17-911 or §39-17-914" and by substituting the language "Sections 39-17-911, 39-17-914 or 39-17-920".

SECTION 4. Tennessee Code Annotated, Section 39-17-919(d), is amended by deleting the language "§39-17-911 or §39-17-914" and by substituting the language "Sections 39-17-911, 39-17-914 or 39-17-920".

SECTION 5. This act shall take effect upon July 1, 2006, the public welfare requiring it.